

**Finds#:**  
**Natural Resources and Environmental Protection Cabinet**  
**Kentucky Department for Environmental Protection**  
**Division for Air Quality**

**PERMIT**

**CYPRUS CUMBERLAND COAL CORPORATION**  
**1822 NORTH MAIN STREET**  
**MADISONVILLE, KENTUCKY 42431**

**RE: Addition of Truck Receiving and a Stockpile and the Replacement of a Crusher and Screen at a  
Coal Tipple located adjacent to KY 221, near Stoney Fork**

Pursuant to your application which was determined to be complete by this office on September 12, 1996, the Natural Resources and Environmental Protection Cabinet issues this permit for the construction/operation of the equipment specified herein in accordance with the plans, specifications, and other information submitted with your application. This permit has been issued under the provisions of KRS Chapter 224.10-100 and regulations promulgated pursuant thereto and is subject to all conditions and operating limitations contained herein. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet and/or other state, federal, and local agencies.

<u>POINT OF EMISSION</u>	<u>AFFECTED FACILITY</u>	<u>CONDITIONS</u>
01 (01)	Truck Dump Receiving Receiving Hoppers (2)	See General Condition #25.
(02)	Crushers (2) (American Pulverizer, Gundlach Model 3030D- Maximum Rated Capacity- 500 Tons Per Hour, Each)	See General Condition #25.
(02A)	Screens (2) (Maximum Rated Capacity- 500 Tons Per Hour, Each)	See General Condition #25.
(03,04)	Conveyors (2) and Transfer Points	See General Condition #25.

No deviation from the plans and specifications submitted with your application or the conditions specified herein is permitted, unless authorized in writing by the Division for Air Quality. Violations of the terms and conditions contained herein shall be grounds for the Department to seek revocation of this permit. All rights of inspection by the representatives of the Division for Air Quality are reserved. Responsibility for satisfactory conformance with all Air Quality Regulations must be borne by the permittee.

PERMIT NUMBER: S-96-266

DEP7001 (1-93)

FILE NUMBER: 101-0200-0008

Issued this \_\_\_\_\_ day of \_\_\_\_\_ 1996

REGION: Appalchian

John E. Hornback, Director

COUNTY: Bell

*Robert W. Logan, Commissioner*

SIC CODE: 1222

**PERMIT - Continued**

<b><u>POINT OF EMISSION</u></b>		<b><u>AFFECTED FACILITY</u></b>	<b><u>CONDITIONS</u></b>
01	(05)	Conveyor and Transfer Points (From Stockpile to Unit Train Loadout)	See General Condition #25.
	(07)	Unit Train Loadout	See General Condition #25.
02	(06)	Stockpile	See General Condition #27.
03	(08)	Unpaved Haul Road and Yard Area	See General Condition #26.
04	(08)	Paved Haul Road and Yard Area	See General Condition #26.
<b><u>Additions to the Coal Tipple</u></b>			
05	(01A)	Truck Dump	See General Condition #25.
06	(06)	Stockpile (Clean Coal)	See General Condition #27.

**GENERAL CONDITIONS:**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035E, Permits, Section 4 and is grounds for an enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. Any deviations from permit requirements, including those due to upset conditions, shall be promptly reported to the Division's London Regional Office. In accordance with State Regulation 401 KAR 50:055, General compliance requirements, Section 1, the reports shall describe the probable cause of the deviations and corrective actions or preventative measures taken.
3. This permit shall become null and void after five years following the date of issue. Application for renewal shall be made at least six months prior to the expiration date.
4. All records and support information required by State Regulation 401 KAR 50:035E, Permits, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.

**PERMIT - Continued**

**GENERAL CONDITIONS:**

5. Periodic testing or instrumental or non instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance the following guidelines shall be followed:
  - a) Pursuant to State Regulations 401 KAR 50:012, General application, Section 1 (1) and 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, calibrated, properly maintained, and in operation according to vendors specifications at any time an affected facility for which the equipment and measures are designed is operated; except as provided by State Regulation 401 KAR 50:055, Section 1.
  - b) All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufactures. A log shall be kept of all routine and non routine maintenance performed on each control device.
  - c) A log of the monthly raw material consumption and monthly production rates shall be kept available at the plant. Compliance with the emission limits may be demonstrated by computer program (spread sheet), calculations or performance tests as may be specified and requested by the Division.
6. Any condition or portion of this permit which becomes suspended or is ruled invalid a result of any legal or other action shall not invalidate any other portion or condition of this permit.
7. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
8. The permit contained herein may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance shall not stay any permit condition.
9. The permit does not convey property rights or exclusive privileges.
10. The permittee shall perform compliance certification and record keeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 50:035E, Permits, Section 3(5).

**GENERAL CONDITIONS:**

11. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Division, copies of records, reports, and other information required by the permit to be kept.
12. The permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in State Regulation 401 KAR 50:038, Air emissions fee.
13. The permittee shall allow the Cabinet or an authorized representative to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    1. During normal office hours, and
    2. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    1. During all hours of operation at the source,
    2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    3. During an emergency; and
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    1. During all hours of operation at the source,
    2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    3. During an emergency.
14. Operation of the affected facilities, emission points 06-10, authorized by this permit shall not commence until compliance with applicable standards specified herein has been demonstrated in accordance with the requirements of State Regulation 401 KAR 50:035E, Permits, Section 5(4).
15. Nothing in this permit shall alter or affect the authority of the U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

**PERMIT - Continued**

**GENERAL CONDITIONS:**

16. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
17. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
18. Pursuant to State Regulation 401 KAR 50:035E, Permits, Section 4(7), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency if the notice met the requirement of State Regulation 401 KAR 50:035E, Permits, Section 4(1)(c)3.b., and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
19. Emergency provisions listed in General Condition 18 are in addition to any emergency or upset provision contained in an applicable requirement.
20. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.
21. Except as provided in State Regulation 401 KAR 50:035E, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements as of the date of the issuance of this permit.
22. Pursuant to State Regulations 401 KAR 50:035E, Permits, Section 4(3)(g) and 401 KAR 59:005, General provisions, Section 3(1), within 30 days following construction commencement, within 15 days following start-up and attainment of maximum production rate, or within 15 days following the issuance date of this permit, whichever is later, the owner and/or operator of the affected facilities specified on this permit shall furnish to the Division's London Regional Office, with a copy to the Division's Frankfort Regional Office, the following:
  - a. Date when construction commenced, (See General Condition 23)
  - b. Start-up date of the affected facilities listed on this permit.
  - c. Date when maximum production rate was achieved. (See General Condition 24)

**PERMIT - Continued**

**GENERAL CONDITIONS:**

23. Pursuant to State Regulation 401 KAR 50:035E, Permits, Section 5(6), unless construction is commenced on or before eighteen (18) months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of eighteen (18) months or more, or if construction is not completed within eighteen (18) months of the scheduled completion date, then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Extensions of the time periods specified herein may be extended by the Division upon a satisfactory showing that an extension is justified.
24. Pursuant to State Regulation 401 KAR 59:005, General provisions, Section 3(1)(b), unless notification and justification to the contrary are received by this Division, the date of achieving the maximum production rate at which the affected facility will be operated shall be deemed to be 30 days after initial start-up.
25. The materials processed at all affected facilities included in emission points 01 and 03 as defined in State Regulation 401 KAR 60:250, Standards of performance for coal preparation plants, shall be sufficiently wetted so as not equal or exceed 20% as measured by Reference Method 9, as referenced in State Regulation 401 KAR 50:015, Documents incorporated by reference, Section 1.
26. The unpaved haul road, paved haul road, and yard area, emission points 04, shall be controlled with water on a regular basis so as to comply with the requirements specified in State Regulation 401 KAR 63:010, Fugitive emissions.
27. The permittee shall maintain daily activities and maintenance records to show the startup, shutdown, maintenance, malfunction, and repair of all air pollution control equipment. These records shall be made accessible upon request.
28. All previous permit issued to the source for this location are hereby null and void.